IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 29TH OCTOBER 2007 / 7TH KARTHIKA 1929

WP(C).No. 27596 of 2007(I)

PETITIONER:

K.BALAN,
PRINCIPAL, MERCY ARTS COLLEGE, VADAKARA,
KOZHIKODE DISTRICT, PIN-673 101.

BY ADV. SRI.K.SRIKUMAR
SRI.K.MANOJ CHANDRAN
SRI.P.R.AJITHKUMAR

RESPONDENTS:

1. THE ASSISTANT PROVIDENT FUND COMMISSIONER, REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, POST BOX NO.1806, KOZHIKODE.

2. THE REGIONAL PROVIDENT FUND COMMISSIONER, OFFICE OF THE REGIONAL PROVIDENT FUND COMMISSIONER, REGIONAL OFFICE, BHAVISHYANIDHI BHAVAN, POST BOX NO.1806, KOZHIKODE.

3. THE RECOVERY OFFICER, EMPLOYEES' PROVIDENT FUNDS, BHAVISHYANIDHI BHAVAN, POST BOX NO.1806, KOZHIKODE.

4. THE EMPLOYEES' PROVIDENT FUND APPELLATE TRIBUNAL, MAYUR VIHAR, NEW DELHI-1.

BY ADV. SRI.P.PARAMESWARAN NAIR,ASST.SOLICITOR
SRI.THOMAS MATHEW NELLIMOOTTIL,SC, P.F.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S.SIRI JAGAN, J.

==========

W.P.(C).No.27596 of 2007

==========

Dated this the 29th day of October, 2007

J U D G M E N T

The petitioner is challenging, *inter alia*, Ext.P9 order of the Employees' Provident Fund Appellate Tribunal whereby as a condition for waiver of pre-deposit, the petitioner was directed to pay fifty per cent of the amount disputed in the appeal. In this writ petition I had granted an interim order directing the petitioner to pay an amount of Rs.10 lakhs, which has been reported to be paid thereafter. In the facts and circumstances of the case, I am of opinion that the Tribunal should accept the said payment as sufficient for dispensing with pre-deposit of the disputed amount. Accordingly, Ext.P9 is modified to the effect that the payment of Rs.10 lakhs would be taken as sufficient for dispensing with pre-deposit of disputed amount. Accordingly, the Tribunal is directed to consider Ext.P4 appeal on merits. If the petitioner produces bank guarantee for the balance amount,

Provident Fund Organization shall release the attachment on the properties of the petitioner pending disposal of the appeal before the Tribunal.

The writ petition is disposed of as above.

Sd/-

sdk+ S.SIRI JAGAN, JUDGE

///True copy///

P.A. to Judge.